

Introduced by Senator Simitian

February 27, 2009

An act to amend Section 72441 of the Public Resources Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 614, as introduced, Simitian. Vessels.

Existing law prohibits an owner or operator of a large passenger vessel or oceangoing ship from releasing or permitting anyone to release specified substances from the vessel or ship into the marine waters of the state or a marine sanctuary. Existing law excludes from those requirements a large passenger vessel or oceangoing ship that operates in the marine waters of the state, as that term is defined, solely in innocent passage, and discharges made for the purpose of securing the safety of the vessel or ship or saving life at sea if specified precautions are taken. The act provides that for purposes of that exclusion, a vessel is engaged in innocent passage if its operation in state waters would constitute innocent passage under specified conventions.

This bill instead would provide that for purposes of that exclusion, a vessel is engaged in innocent passage if its operation in the marine waters of the state would constitute innocent passage under those specified conventions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 72441 of the Public Resources Code is
2 amended to read:

1 72441. (a) This division does not apply to either of the
2 following:

3 (1) A large passenger vessel or oceangoing ship that operates
4 in the marine waters of the state solely in innocent passage.

5 (2) Discharges made for the purpose of securing the safety of
6 the large passenger vessel or oceangoing ship or saving life at sea,
7 if reasonable precautions are taken for the purpose of preventing
8 or minimizing the discharge.

9 (b) For the purposes of this section, a vessel is engaged in
10 innocent passage if its operation ~~in-state waters~~ *the marine waters*
11 *of the state* would constitute innocent passage under either the
12 Convention on the Territorial Sea and Contiguous Zone, dated
13 April 29, 1958, or the United Nations Convention on the Law of
14 the Sea, dated December 10, 1982.